



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,794	05/02/2001	Jackie L. Huffman	8830	4912
26884	7590	11/22/2005	EXAMINER	
PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/847,794

Applicant(s)

HUFFMAN, JACKIE L.

Examiner

Scott L. Jarrett

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623

Continuation of 11. does NOT place the application in condition for allowance because:

In applicant's remarks dated November 9, 2005 applicant argues that the prior art of record, specifically Nashner does not disclose or teach displaying performance targets/goals prior to and during a training session. Applicant states that Nashner "merely discloses a general principle of education that a trainee striving to achieve a clearly defined objective goal while receiving periodic feedback is the best motivated."

With respect to the applicant's assertion that the prior art of record does not teach displaying performance targets/goals prior to and during a training session (Remarks Paragraph 1, Page 12) the examiner respectfully disagrees. Examiner agrees with the applicant and Nashner that providing goals to trainees (operators, users, students, workers, etc.) so that they know what is expected of them (i.e. prior to performing the expected work/task) and know how they are doing in reference to those expectations/goals (i.e. providing performance feedback during and after the completion of the expected work/task) is an old and very well known training/motivational principle utilized by any number of performance feedback systems and methods. Further Nashner teaches the creation of individualized performance (training) programs for individual users wherein individual performance goals (benchmarks, prescribed goals, etc.) are set for each user (subject, operator, etc.; Column 4, Lines 43-60; Column 5, Lines 40-44; Figure 1) based on the individual's and/or group's historical performance (Abstract; Column 4, Lines 18-27).

Additionally it is noted that the prior art of record does teach determining and displaying cashier performance performance feedback as evidenced by at least the following references cited in the office action dated September 16, 2005:

- Larson, John, U.S. Patent No. 3,899,775, teaches a system and method for managing and monitoring retail transactions as part of a point-of-sale system. Larson further teaches that such systems "are capable of producing a variety of management reports on items such as inventory, sales rates and checker productivity."
- Collins, Donald, U.S. Patent No. 5,44,226, teaches a system and method for providing real-time scanning performance feedback to a cashier at a point-of-sale terminal.
- Zimmerman, Dennis, Nieman set to expand computer-based training, teaches the utilization of cashier performance feedback systems and methods for providing performance feedback to cashiers at a point-of-sale terminal wherein a plurality of performance metrics are measured and reported/displayed including but not limited to scanning speed and scan rate.
- Closing in on front-end shrink teaches the commercial availability and public use of systems and methods for monitoring the performance of cashiers in a point-of-sale system. The article further teaches the commercial availability of a cashier performance monitoring system and method by Trax Software.

Further it is noted that the amended claims 1-18 would be rejected using the similar art and rationale as discussed in the Final Office Action dated September 16, 2005.